

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

TIMOTHY E. PAEZ,

Plaintiff,

-vs-

Case No. 16-C-11

**CAROLYN W. COLVIN,
Acting Commissioner of Social Security,**

Defendant.

DECISION AND ORDER

Pro se Plaintiff Timothy Paez (Paez) seeks leave to proceed *in forma pauperis* (IFP) (ECF No. 2) on his appeal from the denial of his application for social security disability insurance. In order to authorize a litigant to proceed IFP, the Court must make two determinations: first, whether the litigant is unable to pay the costs of commencing this action; and second, whether the action is frivolous or malicious. 28 U.S.C. §§ 1915(a) and (e)(2)(B)(i). The Court must deny a request to proceed IFP if (1) the allegation of poverty is untrue; (2) the action is frivolous; (3) the action fails to state a claim; or (4) the action seeks monetary relief against an immune defendant. 28 U.S.C. § 1915(e)(2).

By his petition and affidavit to proceed IFP, Paez avers that he is married, has two dependent children, and a monthly income of \$1,088 in

disability compensation. He owns a 2005 Toyota Camry worth \$1,500 and has \$150 in cash or in a checking or savings account. (Pet. 3.) His monthly expenses total \$1,132, which exceeds his income and he has minimal assets.

Based on the information provided, Paez has satisfied the requirements of 28 U.S.C. § 1915(a) by demonstrating that he is unable to pay the \$350 filing fee for this action. Furthermore, Paez's Complaint states an arguable claim for relief. Accordingly, Paez's petition for leave to proceed IFP is granted.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS
HEREBY ORDERED THAT:**

Paez's motion for leave to proceed IFP (ECF No. 2) is **GRANTED**.

Dated at Milwaukee, Wisconsin, this 6th day of January, 2016.

BY THE COURT:

s/ J. P. Stadtmueller
for **HON. RUDOLPH T. RANDA**
U.S. District Judge